

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO ALL CASES LISTED ON ATTACHED EXHIBITS 1-3	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**DEFENDANTS' REPLY TO ALL PLAINTIFFS REQUESTING REMOVAL OR
ADDITION TO EXHIBIT A ATTACHED TO THE PROPOSED ORDER REGARDING
DISPOSITION OF NON-REVISION GYNECARE TVT PRODUCTS CASES**

Approximately 100 out of thousands of non-revised plaintiffs filed responses to Ethicon's Motion for Order Regarding Disposition of Non-Revision Gynecare TVT Products Cases [Doc. No. 5313]. Ethicon has replied separately to the only two responses that requested material changes to the terms of the Proposed Order [Doc. No. 5423 and 5445]. This Reply addresses the Plaintiffs who have requested to be added or removed from Exhibit A or Amended Exhibit A attached to the Proposed Order [Exhibit A to Doc. No. 5313] in their responses filed under Doc. Nos. 5417, 5418, 5423, 5425, 5427, 5428, 5430, 5433, 5434¹, 5435, 5436, 5437, 5438, 5442, 5443, 5444, 5452, 5457, 5468.

Ethicon will address these cases by category.

Case Already Added to Exhibit A. Plaintiff Debra Meadows, No. 2:12-cv-03356 [Motion Response Doc. No. 5437] requests that she be included in Exhibit A to the Proposed Order as a non-revised Plaintiff. Ethicon added Ms. Meadows on Amended Exhibit A,

¹ This identical response was erroneously filed two additional times under Doc. Nos. 5439 and 5440.

submitted to the Court on March 14, 2018, [Doc. No. 5414], and ordered to be filed with the Court on March 15, 2018. [Doc. No. 5416].

Cases Ethicon Agrees to Remove from Exhibit A (Exhibit 1). Based on the information currently available to Ethicon, Ethicon agrees that the cases listed on the attached Exhibit 1 can be removed from Exhibit A/Amended Exhibit A to the Proposed Order.

Cases Never Identified on Exhibit A or Amended Exhibit A (Exhibit 2). The plaintiffs listed on Exhibit 2 have never been identified by Ethicon as a non-revised plaintiff and were not included in either Exhibit A or Amended Exhibit A. As such, the request to remove them from Exhibit A is moot.

Cases Ethicon Does Not Agree to Remove from Exhibit A (Exhibit 3). The plaintiffs listed on Exhibit 3 responded to Ethicon's motion by alleging they are revised plaintiffs who should be removed from Exhibit A. These plaintiffs provided no information in their response from which it can be concluded that they are revised. After diligent inquiry by Ethicon and an additional review of the records provided, Ethicon does not presently believe that these plaintiffs are revised plaintiffs. To the extent such plaintiffs disagree with this assessment, they are free to elect not to dismiss their case, which will place them in the posture of a revised plaintiff who was not eligible to participate in the election procedure.

CONCLUSION

Based upon the foregoing, Ethicon requests leave to amend Amended Exhibit A to remove those plaintiffs listed in Exhibit 1 attached hereto.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this day, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage
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